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9 CHURCH OF SCIENTOLOGY INTERNATIONAL

RECEIVED

DEC 02 1993

HUB LAW OFFICES

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 FOR THE COUNTY OF MARIN

12 CHURCH OF SCIENTOLOGY) CASE NO. 157 688
13 INTERNATIONAL, a California not-)
for-profit religious corporation;) PLAINTIFF'S SEPARATE
14 Plaintiff,) STATEMENT OF DOCUMENT
15) PRODUCTION REQUESTS AT
vs.) ISSUE
16)
GERALD ARMSTRONG; MICHAEL WALTON;) [FILED CONCURRENTLY WITH
17 THE GERALD ARMSTRONG CORPORATION,) PLAINTIFF'S MOTION TO
a California for-profit) COMPEL PRODUCTION OF
18 corporation; Does 1 through 100,) DOCUMENTS FROM DEFENDANTS
inclusive,) GERALD ARMSTRONG AND
19) MICHAEL WALTON, FILED UNDER
20 Defendants.) SEPARATE COVER]
)
)

21 **SEPARATE STATEMENT CONTAINING REQUESTS FOR THE PRODUCTION OF**
22 **DOCUMENTS BY DEFENDANT GERALD ARMSTRONG**

23 **(Plaintiff's Second Request for Production of Documents)**

24 Pursuant to Law and Discovery Manual § 251 et seq.,
25 plaintiff Church of Scientology International hereby presents its
26 Separate Statement in support of its concurrently filed motion to
27 compel production of documents in response to Plaintiff's Second
28 Request for the Production of Documents by Defendant Gerald

1 Armstrong.

2 **REQUEST FOR PRODUCTION No. 1:**

3 Request for Production 1:

4 All documents relating to the passing of title or conveyance
5 of the property known as 707 Fawn Drive, San Anselmo, California,
6 and more particularly described as follows:

7 PARCEL ONE

8 PARCEL TWO as shown upon that certain Parcel Map entitled,
9 "Parcel Map Lands of California Land Title Portion Lands
10 described in book 2887 of Official Records, at page 367,
11 also being Portion of Lots 501 and 501-A unrecorded Map of
12 Sleepy Hollow Acres, Vicinity of San Anselmo, Marin County,
13 California," filed for record April 8, 1976 in Volume 12 of
14 Parcel Maps, at page 43, Marin County Records.

15 EXCEPTING THEREFROM that portion deeded to Alain Pigois and
16 Nina Pigois husband and wife, as community property, by Deed
17 recorded February 27, 1989, Serial No. 89 13373.

18 PARCEL TWO

19 AN EASEMENT for ingress, egress and public utility purpose
20 described as follows:

21 BEGINNING at a point on the centerline of Fawn Drive, said
22 point being the most southwesterly corner of Parcel 3, as
23 shown upon that certain map entitled, "Parcel Map Lands of
24 California Land Title Portion page 367, also being a portion
25 of Lots 501 and 501-A, unrecorded Map of Sleepy Hollow
26 Acres, Vicinity of San Anselmo, Marin County, California,"
27 filed for record April 9, 1976 in Volume 12 of Parcel Maps,
28 at page 43, Marin County Records, said point also being the
intersection of the calls "South 26 degrees 20' East 135
feet and North 63 degrees 40' East 20 feet" as contained in
Parcel 2 of the Deed executed by California Land Title
Company, a corporation to Michael C. McGuckin, et ux,
recorded March 26, 1976 in Book 3010 of Official Records, at
page 190, Marin County Records; thence from said point of
beginning and along the exterior boundary of said Parcel 3,
North 63 degrees 40' East 20 feet; thence North 75 degrees
07' 20" East 164.00 feet; thence leaving said exterior
boundary of Parcel 3, North 12 degrees 41' East 85.00 feet;
thence North 30 degrees 45' West 126.00 feet, thence North
13 degrees 30' East 79.21 feet to the northwesterly boundary
of Parcel 1, as shown upon that certain map referred to
hereinabove; then along the exterior boundary of said Parcel
1, South 84 degrees 00' west 75.70 feet to the most
Northerly corner of the parcel of land described in the Deed

1 executed by Charles B. Robertson, et ux, to Paul Hopkins,
2 Jr., et ux, recorded page 623, Marin County Records; then
3 111.7 feet, thence leaving said exterior boundary of Parcel
4 1, South 18 degrees 45' East 95.06 feet thence South 21
5 degrees 48' West 70.66 feet; thence South 75 degrees 07' 20"
6 West 160.00 feet to the centerline of Fawn Drive; thence along
7 the exterior boundary of said Parcel 3, also being the
8 centerline of "Fawn Drive, South 26 degrees 20' East 34.46
9 feet to the point of the beginning.

6 (the "PROPERTY"), from the date of acquisition to the present,
7 including all documents relating to the acquisition of the
8 PROPERTY. Such documents shall include those relating to any
9 passing of title or conveyance to Michael Walton.

10 Response to Request for Production No. 1:

11 Armstrong objects on the following grounds: that the request
12 violates the right to privacy and the right to freedom of
13 religion, speech, press and association, that the request is not
14 calculated to lead to the discovery of admissible evidence, and
15 is irrelevant, constitutes discovery prohibited by the order of
16 the Superior Court of Los Angeles, is burdensome, harassive,
17 requires a compilation, and is ambiguous, overbroad, vague,
18 burdensome and harassive.

19 Reasons Why Production of Documents is Necessary:

20 The Church has requested that Armstrong produce documents
21 which relate to the transfers of his assets to Armstrong's co-
22 defendants. It is difficult to imagine material which is more
23 relevant to a fraudulent conveyance action, or more likely to
24 lead to the discovery of admissible evidence.

25 C.C.P. § 2017(a) provides that a party may obtain discovery
26 [R]egarding any matter, not privileged, that is
27 relevant to the subject matter involved in the pending
28 action... if the matter either is itself calculated to
 lead to the discovery of admissible evidence. Discovery
 may relate to the claim or defense of the party seeking

1 discovery or any other party to the action.

2 The discovery provisions are interpreted liberally, with all
3 doubt resolved in favor of permitting discovery. Colonial Life &
4 Acc. Ins. Co. v. Superior Court (1982) 31 Cal.3d 785, 790, 183
5 Cal.Rptr. 810, 813, fn. 7-8; Greyhound Corp. v. Superior Court,
6 364 P.2d 266, 15 Cal.Rptr. 90; Davies v. Superior Court, 36
7 Cal.3d 291, 204 Cal.Rptr. 154.

8 During meet and confer, the Church asked that Armstrong's
9 counsel identify what he considered to be vague or unclear about
10 this request, and what about the request represented an undue
11 burden. Mr. Greene did not respond so the Church is left to
12 wonder what it is about these clear, specifically drawn requests
13 that Armstrong and his counsel do not understand. This request
14 asks for documents concerning the transfer of assets from
15 Armstrong to or for defendant the Gerald Armstrong Corporation.
16 This is not a "burdensome" request when made in the context of
17 fraudulent conveyance litigation.

18 Armstrong does not identify whose "right to privacy" is
19 allegedly violated by this request. Assuming arguendo that
20 Armstrong is attempting to assert his own privacy interests, the
21 objection is simply irrelevant to this request. The Church seeks
22 documents relating to Armstrong's transfer of assets: the very
23 subject matter of this litigation. The courts must balance the
24 privacy rights of persons subject to discovery against the right
25 of civil litigants to discover relevant facts and the public
26 interest in litigation. Vinson v. Superior Court (1987) 43 Cal.3d
27 833, 842, 239 Cal.Rptr. 292, 299; Valley Bank v. Superior Court
28 (1975) 15 Cal.3d 652, 125 Cal.Rptr. 553, 555. Even very personal

1 and confidential information may have to be disclosed if
2 "essential to a fair determination of the lawsuit." Morales v.
3 Superior Court (1979) 99 Cal.App.3d 283, 160 Cal.Rptr. 194.

4 Armstrong has offered no explanation as to how the Church's
5 reasonable requests for documents relating to his assets could
6 possibly violate any of Armstrong's First Amendment rights. This
7 action is directed at Armstrong's conveyance of assets so as to
8 essentially render himself judgment proof, while at the same time
9 engaging in what he admits (and in fact boasts of) were breaches
10 of the December, 1986 settlement agreement with the Church. The
11 Church has been unable to find any authority which even remotely
12 suggests that Armstrong may refuse to produce documents relative
13 to his assets in a fraudulent conveyance action by claiming that
14 such production would somehow violate his right to freely
15 practice his religion, or associate with persons of his choice.
16 The Church's request that Armstrong supply such authority, if any
17 exists, was met with silence. [Ex. C to Declaration of Andrew
18 Wilson.]

19 Finally, no order exists prohibiting discovery in this
20 action. This Court has already denied not one, but two, attempts
21 by Armstrong to stay discovery herein. [Ex. E and F to
22 Declaration of Andrew Wilson.] The cases pending in Los Angeles
23 are, indeed, stayed while the Court of Appeal considers
24 Armstrong's appeal of the preliminary injunction which that Court
25 granted to the Church. Discovery there, however, has nothing to
26 do with discovery here. Nothing in any order of the Los Angeles
27 court can reasonably be construed to prohibit, stay or interfere
28 with discovery here; at most, the stay in those cases has put

1 discovery therein on hold.

2 **REQUEST FOR PRODUCTION No. 2:**

3 Request for Production No. 2:

4 All documents evidencing or relating to the state of the
5 title of the PROPERTY or any portion thereof when you first
6 received title to the PROPERTY.

7 Response to Request For Production No. 2:

8 Armstrong objects on the following grounds: that the request
9 violates the right to privacy and the right to freedom of
10 religion, speech, press and association, that the request is not
11 calculated to lead to the discovery of admissible evidence, and
12 is irrelevant, constitutes discovery prohibited by the order of
13 the Superior Court of Los Angeles, is burdensome, harassive,
14 requires a compilation, and is ambiguous, overbroad, vague,
15 burdensome and harassive.

16 Reasons Why Production of Documents Is Necessary:

17 See argument regarding Request No. 1, above.

18 **REQUEST FOR PRODUCTION No. 3:**

19 Request for Production No. 3:

20 All documents evidencing, relating to or comprising
21 agreements with Michael Walton relating to the PROPERTY
22 including, but not limited to, agreements of co-ownership and
23 respective amounts of contribution towards down payment and
24 mortgage payments.

25 Response to Request for Production No. 3:

26 Armstrong objects on the following grounds: that the request
27 violates the right to privacy and the right to freedom of
28 religion, speech, press and association, that the request is not

1 calculated to lead to the discovery of admissible evidence, and
2 is irrelevant, constitutes discovery prohibited by the order of
3 the Superior Court of Los Angeles, is burdensome, harassive,
4 requires a compilation, and is ambiguous, overbroad, vague,
5 burdensome and harassive.

6 Reasons Why Production of Documents is Necessary:

7 See argument regarding Request No. 1, above.

8 **REQUEST FOR PRODUCTION No. 4:**

9 Request for Production No. 4:

10 All documents evidencing, relating to or comprising property
11 tax bills or property tax statements for the PROPERTY that have
12 been incurred or received at any time from the acquisition of the
13 PROPERTY until the present.

14 Response to Request for Production No. 4:

15 Armstrong objects on the following grounds: that the request
16 violates the right to privacy and the right to freedom of
17 religion, speech, press and association, that the request is not
18 calculated to lead to the discovery of admissible evidence, and
19 is irrelevant, constitutes discovery prohibited by the order of
20 the Superior Court of Los Angeles, is burdensome, harassive,
21 requires a compilation, and is ambiguous, overbroad, vague,
22 burdensome and harassive.

23 Reasons Why Production of Documents is Necessary:

24 See argument regarding Request No. 1, above.

25 **REQUEST FOR PRODUCTION No. 5:**

26 Request for Production No. 5:

27 All documents comprising or relating to payments made,
28 including checks or money orders or other documentation of

1 payments made on the aforementioned tax bills.

2 Response to Request for Production No. 5:

3 Armstrong objects on the following grounds: that the request
4 violates the right to privacy and the right to freedom of
5 religion, speech, press and association, that the request is not
6 calculated to lead to the discovery of admissible evidence, and
7 is irrelevant, constitutes discovery prohibited by the order of
8 the Superior Court of Los Angeles, is burdensome, harassive,
9 requires a compilation, and is ambiguous, overbroad, vague,
10 burdensome and harassive.

11 Reasons Why Production of Documents is Necessary:

12 See argument regarding Request No. 1, above.

13 **REQUEST FOR PRODUCTION No. 6:**

14 Request for Production No. 6:

15 All documents comprising or relating to any agreement
16 concerning liens, easements, right of way, mineral rights, water
17 rights, leaseholds and any other interest in the PROPERTY.

18 Response to Request for Production No. 6:

19 Armstrong objects on the following grounds: that the request
20 violates the right to privacy and the right to freedom of
21 religion, speech, press and association, that the request is not
22 calculated to lead to the discovery of admissible evidence, and
23 is irrelevant, constitutes discovery prohibited by the order of
24 the Superior Court of Los Angeles, is burdensome, harassive,
25 requires a compilation, and is ambiguous, overbroad, vague,
26 burdensome and harassive.

27 Reasons Why Production of Documents is Necessary:

28 See argument regarding Request No. 1, above.

1 violates the right to privacy and the right to freedom of
2 religion, speech, press and association, that the request is not
3 calculated to lead to the discovery of admissible evidence, and
4 is irrelevant, constitutes discovery prohibited by the order of
5 the Superior Court of Los Angeles, is burdensome, harassive,
6 requires a compilation, and is ambiguous, overbroad, vague,
7 burdensome and harassive.

8 Reasons Why Production of Documents is Necessary:

9 See argument regarding Request No. 1, above.

10 **REQUEST FOR PRODUCTION No. 9:**

11 Request for Production No. 9:

12 All documents comprising, evidencing or relating to payment
13 made or other exchange applied for any transfer of title on the
14 PROPERTY from 1986 until the present. This is to include, but
15 not be limited to, canceled checks or receipts.

16 Response to Request for Production No. 9:

17 Armstrong objects on the following grounds: that the request
18 violates the right to privacy and the right to freedom of
19 religion, speech, press and association, that the request is not
20 calculated to lead to the discovery of admissible evidence, and
21 is irrelevant, constitutes discovery prohibited by the order of
22 the Superior Court of Los Angeles, is burdensome, harassive,
23 requires a compilation, and is ambiguous, overbroad, vague,
24 burdensome and harassive.

25 Reasons Why Production of Documents is Necessary:

26 See argument regarding Request No. 1, above.

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28 ///

1 calculated to lead to the discovery of admissible evidence, and
2 is irrelevant, constitutes discovery prohibited by the order of
3 the Superior Court of Los Angeles, is burdensome, harassive,
4 requires a compilation, and is ambiguous, overbroad, vague,
5 burdensome and harassive.

6 Reasons Why Production of Documents Is Necessary:

7 See argument regarding Request No. 1, above.

8 **REQUEST FOR PRODUCTION No. 12**

9 Request For Production No. 12:

10 All documents comprising, evidencing or relating to payments
11 to any utility companies for the utilities at the PROPERTY at any
12 time from the acquisition of the PROPERTY to the present.

13 Response to Request No. 12:

14 Armstrong objects on the following grounds: that the request
15 violates the right to privacy and the right to freedom of
16 religion, speech, press and association, that the request is not
17 calculated to lead to the discovery of admissible evidence, and
18 is irrelevant, constitutes discovery prohibited by the order of
19 the Superior Court of Los Angeles, is burdensome, harassive,
20 requires a compilation, and is ambiguous, overbroad, vague,
21 burdensome and harassive.

22 Reasons Why Production of Documents Is Necessary:

23 See argument regarding Request No. 1, above.

24 **REQUEST FOR PRODUCTION No. 13**

25 Request For Production No. 13:

26 All documents reflecting the names, addresses and telephone
27 numbers of all accountants, accounting firms and other persons or
28 businesses that you retained to manage, analyze, monitor or keep

1 records of your business and personal financial affairs and
2 assets, including the financial affairs and assets of The Gerald
3 Armstrong Corporation, from January 1, 1986 to the present.

4 Response to Request No. 13:

5 Armstrong objects on the following grounds: that the request
6 violates the right to privacy and the right to freedom of
7 religion, speech, press and association, that the request is not
8 calculated to lead to the discovery of admissible evidence, and
9 is irrelevant, constitutes discovery prohibited by the order of
10 the Superior Court of Los Angeles, is burdensome, harassive,
11 requires a compilation, and is ambiguous, overbroad, vague,
12 burdensome and harassive.

13 Reasons Why Production of Documents Is Necessary:

14 See argument regarding Request No. 1, above.

15 **REQUEST FOR PRODUCTION No. 14**

16 Request For Production NO. 14:

17 All documents reflecting your financial condition, business
18 and personal affairs and assets, including the financial affairs
19 and assets of the Gerald Armstrong Corporation, from January 1,
20 1986 to the present. Such documents shall include but not be
21 limited to financial statements, asset statements and balance
22 sheets.

23 Response to Request No. 14:

24 Armstrong objects on the following grounds: that the request
25 violates the right to privacy and the right to freedom of
26 religion, speech, press and association, that the request is not
27 calculated to lead to the discovery of admissible evidence, and
28 is irrelevant, constitutes discovery prohibited by the order of

1 the Superior Court of Los Angeles, is burdensome, harassive,
2 requires a compilation, and is ambiguous, overbroad, vague,
3 burdensome and harassive.

4 Reasons Why Production of Documents Is Necessary:

5 See argument regarding Request No. 1, above.

6 **REQUEST FOR PRODUCTION No. 15**

7 Request For Production No. 15:

8 All documents reflecting the name, address and telephone
9 number of the location at which all your business, personal and
10 banking accounts, including those of the Gerald Armstrong
11 Corporation, are maintained.

12 Response to Request No. 15:

13 Armstrong objects on the following grounds: that the request
14 violates the right to privacy and the right to freedom of
15 religion, speech, press and association, that the request is not
16 calculated to lead to the discovery of admissible evidence, and
17 is irrelevant, constitutes discovery prohibited by the order of
18 the Superior Court of Los Angeles, is burdensome, harassive,
19 requires a compilation, and is ambiguous, overbroad, vague,
20 burdensome and harassive.

21 Reasons Why Production of Documents Is Necessary:

22 See argument regarding Request No. 1, above.

23 **REQUEST FOR PRODUCTION No. 16**

24 Request For Production No. 16:

25 All documents which refer to, relate to, mention, discuss,
26 concern or evidence, without limitation, any transfer of cash
27 and/or shares of stock in the Gerald Armstrong Corporation made
28 by you to Michael Walton or any person or corporation from July

1 1190 until the present.

2 Response to Request No. 16:

3 Armstrong objects on the following grounds: that the request
4 violates the right to privacy and the right to freedom of
5 religion, speech, press and association, that the request is not
6 calculated to lead to the discovery of admissible evidence, and
7 is irrelevant, constitutes discovery prohibited by the order of
8 the Superior Court of Los Angeles, is burdensome, harassive,
9 requires a compilation, and is ambiguous, overbroad, vague,
10 burdensome and harassive.

11 Reasons Why Production of Documents Is Necessary:

12 See argument regarding Request No. 1, above.

13 **REQUEST FOR PRODUCTION No. 17**

14 Request For Production No. 17:

15 All documents which refer to, relate to, mention, discuss,
16 concern or evidence, without limitation, any property, cash or
17 other asset received by you, of any kind whatsoever, in exchange
18 for every transfer of cash and/or shares of stock in The Gerald
19 Armstrong Corporation made by you to Michael Walton or any person
20 or corporation from July 1990 until the present.

21 Response to Request No. 17:

22 Armstrong objects on the following grounds: that the request
23 violates the right to privacy and the right to freedom of
24 religion, speech, press and association, that the request is not
25 calculated to lead to the discovery of admissible evidence, and
26 is irrelevant, constitutes discovery prohibited by the order of
27 the Superior Court of Los Angeles, is burdensome, harassive,
28 requires a compilation, and is ambiguous, overbroad, vague,

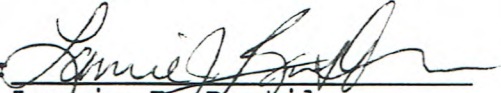
1 burdensome and harassive.

2 Reasons Why Production of Documents is Necessary:

3 See argument regarding Request No. 1, above.

4 Dated: November 29, 1993

BOWLES & MOXON

5
6 By: 
Laurie J. Bartilson
BOWLES & MOXON

7
8 Andrew H. Wilson
WILSON, RYAN & CAMPILONGO

9
10 Attorneys for Plaintiff
Church of Scientology
International

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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Boulevard, Suite 2000, Los Angeles, CA 90028.

On November 30, 1993, I served the foregoing document described as PLAINTIFF'S SEPARATE STATEMENT OF DOCUMENT PRODUCTION REQUESTS AT ISSUE on interested parties in this action,

by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

by placing the original true copies thereof in sealed envelopes addressed as follows:

FORD GREENE
HUB Law Offices
711 Sir Francis Drake Blvd.
San Anselmo, CA 94960-1949

MICHAEL WALTON
707 Fawn Drive
San Anselmo, CA 94960

GERALD ARMSTRONG
715 Sir Francis Drake Boulevard
San Anselmo, CA 94960-1949

THE GERALD ARMSTRONG CORPORATION
715 Sir Francis Drake Boulevard
San Anselmo, CA 94960-1949

BY MAIL

*I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more

than one day after date of deposit for mailing an affidavit.

Executed on November 30, 1993 at Los Angeles, California.

[] **** (BY PERSONAL SERVICE)** I delivered such envelopes by hand to the offices of the addressees.

Executed on _____, at Los Angeles, California.

[X] (State) I declare under penalty of the laws of the State of California that the above is true and correct.

[] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Gabriel Becket
Print or Type Name

Gabriel Becket
Signature

* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

** (For personal service signature must be that of messenger)